

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

FLOYD BRYANT WARE, JR.,

Plaintiff,

v.

WARDEN P. KEMPT, et al.,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 6:21-cv-101-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Floyd Bryant Ware, Jr., a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.


Before the Court are Plaintiff's motion for summary judgment (Docket No. 74) and motion for a temporary restraining order (Docket No. 76) and Defendants Akabogu Nnamdi, Daniel Manyango, Masanga Abami, Olusoga Odumade, and Daniel Jett's motion to strike Plaintiff's summary judgment motion (Docket No. 77). On June 2, 2023, Judge Mitchell issued a Report recommending that the Court deny Plaintiff's summary judgment motion, deny Plaintiff's motion for a temporary restraining order, and deny as moot Defendants' motion to strike. Docket No. 87. No objections have been received from any party.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no party objected in the prescribed period. The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Having reviewed the Magistrate Judge’s Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 87) as the findings of this Court. The Court therefore **DENIES** Plaintiff’s motion for summary judgment (Docket No. 74), **DENIES** Plaintiff’s motion for a temporary restraining order (Docket No. 76), and **DENIES** as moot Defendants’ motion to strike (Docket No. 77).

So **ORDERED** and **SIGNED** this **8th** day of **August, 2023**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE